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SERVICE DATE - SEPTEMBER 4, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 153X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—  
IN MONROE COUNTY, IA

Decided: August 29, 2001

On September 1, 2000, a decision and notice of interim trail use or abandonment (NITU) was served in this proceeding, authorizing a 180-day period for the Iowa Trails Council (Iowa Trails) to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for a segment of rail line (southern segment of the Oskaloosa Subdivision) extending between milepost 315.1 and milepost 322.9, in Monroe County, IA.<sup>1</sup> The 180-day period under the NITU was scheduled to expire on February 28, 2001. By decision and amended NITU served February 26, 2001, the negotiating period was extended to August 27, 2001.<sup>2</sup>

By letter filed on August 24, 2001, Iowa Trails requests another extension of the negotiating period for an additional 180 days until February 25, 2002.<sup>3</sup> Iowa Trails states that, due to circumstances beyond its control, it has not been able to finalize negotiations to acquire the line for trail use. By letter filed on August 28, 2001, UP responds that it is agreeable to the request.

An extension of the trail use negotiating period may be granted as long as the Board retains jurisdiction over the involved railroad right-of-way<sup>4</sup> and the carrier is willing to continue

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<sup>1</sup> By letter filed on February 15, 2001, UP gave notification that the northern segment of the line between mileposts 312.1 and 315.0 had been conveyed to the sole shipper, Cargill, Incorporated.

<sup>2</sup> The February 26 decision also amended the September 1 NITU to the extent necessary to implement interim trail use/rail banking for that portion of the right-of-way between milepost 315.0 and milepost 315.1, thereby authorizing the parties to negotiate an agreement for trail use between milepost 315.0 and milepost 322.9.

<sup>3</sup> The 180-day extension would expire on February 23rd, a Saturday. Monday, February 25th is the next working day.

<sup>4</sup> Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board  
(continued...)

negotiations. Inasmuch as UP has not consummated the abandonment and has indicated a willingness to continue to negotiate, the extension request can be granted.

The requested extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the extension will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the interim trail use negotiating period is granted.
2. The negotiating period under the NITU is extended to February 25, 2002.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams  
Secretary

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<sup>4</sup>(...continued)  
retains jurisdiction to extend the NITU negotiating period. See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987); and SSW Ry. Co.—Aban.—In Smith and Cherokee Counties, TX, 9 I.C.C.2d 406 (1992).